

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Fellicia Smith,

Case No. 21-CV-2703 (SRN/BRT)

Plaintiff,

v.

ORDER

Starr, Warden; Hiller, Unit Manager;
Wilson, Trust Fund; Nelson, Commissary;
each being sued in their individual and
official capacities; and Federal Correctional
Institution, Waseca,

Defendants.

Fellicia Smith, Reg. No. 66124-060, FCI Waseca, Unit D, P.O. Box 1731,
Waseca, MN 56093, *pro se* Plaintiff.

Ana H. Voss, United States Attorney's Office, 300 S Fourth Street, Suite 600,
Minneapolis, MN 55415, for Defendants.

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Becky R. Thorson, dated August 18, 2022 [Doc. No. 63]. No objections to the Report and Recommendation have been filed in the time period permitted by the Local Rules.

Accordingly, based on the foregoing and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation [Doc. No. 63] is ADOPTED;
2. Defendants' Motion to Dismiss or, in the alternative, for Summary Judgment [Doc. No. 45] is GRANTED; and

3. This action is DISMISSED WITHOUT PREJUDICE for failure to exhaust administrative remedies under the Prison Litigation Reform Act of 1995.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

Dated: September 6, 2022

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge